

FILED

JUN 9 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VRW

10 James E. Harvey /aka: Abdul O. Shabazz)
11 Plaintiff,)
12 vs.)
13 Robert Hotel Warden -)
14 J. Puent - 161)
15 K. Brandon / cpt 254)
16 Defendant.)
17 (DCR Director during 1/29/08)
18

CV 08

CASE NO.

2894

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

(P)

I, James E. Harvey, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes No ✓

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

26 Gross: NONE Net: N/A

27 Employer: N/A

28

If the answer is "no," state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

4 _____

5 _____

6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
8 following sources:

13 c. Rent payments? Yes No
14 d. Pensions, annuities, or Yes No

15 life insurance payments?

16 c. Federal or State welfare payments, Yes No
17 Social Security or other govern-
18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
20 received from each.

21 

22 _____
23 3. Are you married? ~~But have been separated for the~~ Yes No

26 Spouse's Monthly Salary, Wages or Income:

26 Spouse's Monthly Salary, wages or income.
27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ N/A

at FA

7 5. Do you own or are you buying a home? Yes No

8 Estimated Market Value: \$ n/a Amount of Mortgage: \$ n/a

9 | 6. Do you own an automobile? Yes No

10 Make n/a Year n/a Model n/a

11 Is it financed? Yes N/A No N/A If so, Total due: \$ N/A

13 7. Do you have a bank account? Yes No (Do not include account numbers.)

14 Name(s) and address(es) of bank: N/A

15 _____

16 Present balance(s): \$ 111

18 Do you own any assets? If "yes," provide a description of each asset and its estimated
19 market value.) Yes No

w/A

21 8. What are your monthly expenses?

22 Rent: \$ N/A Utilities: N/A

23 Food: \$ n/a Clothing: n/a

24 | Charge Accounts:

25	<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
26	<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
27			
28			

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)
3 _____
4 _____
5

6 10. Does the complaint which you are seeking to file raise claims that have been presented
7 in other lawsuits? Yes No
8 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
9 which they were filed.
10 _____
11

12 I consent to prison officials withdrawing from my trust account and paying to the court
13 the initial partial filing fee and all installment payments required by the court.
14

15 I declare under the penalty of perjury that the foregoing is true and correct and
16 understand that a false statement herein may result in the dismissal of my claims.
17

18 5/22/08

19 DATE

20 

21 SIGNATURE OF APPLICANT

22
23
24
25
26
27
28

1 Case Number: _____
2
3
4
5

6
7 CERTIFICATION OF FUNDS
8 IN
9
10 PRISONER'S ACCOUNT

11 I certify that attached hereto is a true and correct copy of the prisoner's trust account
12 statement showing transactions of James Earl Harvey C48884 for the last six months at
13 Pelican Bay State Prison where he is confined.

14
15 I further certify that the average deposits each month to this prisoner's account for the
16 most recent 6-month period were \$8.33 and the average balance in the prisoner's account each
17 month for the most recent 6-month period was \$19.87. (20% = \$3.97)
18
19
20
21
22

23 Dated: 5/28/08

24 _____
25 _____
26 _____
27 _____
28 _____
Authorized officer of the institution



26 THE WITHIN INSTRUMENT IS A CORRECT
27 COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE
ATTEST: 5-28-08
28 CALIFORNIA DEPARTMENT OF CORRECTIONS
BY J. K. Leppin
TRUST OFFICE

1
2 Case Number: _____
3
4
5
6
7

8 **CERTIFICATE OF FUNDS**
9
10

11 **IN**
12
13

14 **PRISONER'S ACCOUNT**
15
16

17 I certify that attached hereto is a true and correct copy of the prisoner's trust account
18 statement showing transactions of James HARVEY [prisoner name] for the last six months
19 Pelican Bay State Prison [name of institution] where (s)he is confined.

20 I further certify that the average deposits each month to this prisoner's account for the
21 most recent 6-month period were \$ _____ and the average balance in the prisoner's
22 account each month for the most recent 6-month period was \$ _____.

23 Dated: _____
24

25 [Authorized officer of the institution]
26
27
28

CALIFORNIA DEPARTMENT OF CORRECTIONS
 PELICAN BAY STATE PRISON
 INMATE TRUST ACCOUNTING SYSTEM
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: NOV. 01, 2007 THRU MAY 28, 2008

ACCOUNT NUMBER: C48864
 ACCOUNT NAME: HARVEY, JAMES EARL
 PRIVILEGE GROUP: D
 BED/CELL NUMBER: DF04L 000000118L
 ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

TRAN	DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
	11/01/2007		BEGINNING BALANCE					0.01
	12/21	D300	CASH DEPOSIT 2667 #120	ACTIVITY FOR 2008		50.00		50.01
	01/03	FC05	DRAW-FAC 5 2810 D-4			30.00		20.01
	01/30	W502	POSTAGE CHARG 3253			0.41		19.60
	01/30	W502	POSTAGE CHARG 3253			0.41		19.19
	02/04	FC05	DRAW-FAC 5 3365 D-4			18.75		0.44
	02/14	W502	POSTAGE CHARG 3570			0.41		0.03
	03/24	W536	COPAY CHARGE 4154M03/14			0.03		0.00

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
05/22/2008	H114	COPAY FEE, MED.	5084M05/19	5.00

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.01	50.00	50.01	0.00	5.00	0.00

CURRENT
AVAILABLE
BALANCE

5.00-



THE WITHIN INSTRUMENT IS A CORRECT
 COPY OF THE TRUST ACCOUNT MAINTAINED
 BY THIS OFFICE.
 ATTEST: 5-28-08
 CALIFORNIA DEPARTMENT OF CORRECTIONS
 BY D Kleppin
 TRUST OFFICE